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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,274	07/13/2001	Clifford Theodore Papsdorf	8609	2737

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THE PROCTER & GAMBLE COMPANY
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EXAMINER

TAWFIK, SAMEH

ART UNIT PAPER NUMBER

3721

DATE MAILED: 08/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,274

Applicant(s)

PAPSDORF, CLIFFORD
THEODORE

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 14-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

Newly submitted claims 21-25 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the new claims are sub-combination to the originally examined claims, because examined claims do not require to have the first and second series of non-collinear elongate nor first and second series of collectively elongate.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-25 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Davidson (2,164,702).

Davidson discloses a web pleating apparatus having a mutually orthogonal machine direction, a cross machine direction and a Z-direction, the apparatus comprising a first series of elongate spaced protuberances converging in the machine direction (Figs. 10, 11; via 21); a second series of elongate spaced protuberances converging in the machine direction (Figs. 10,

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11,; via 21), wherein the first series of protuberances and the second series of protuberances interleave in the Z-direction (Fig. 11); and the first series and the second series of interleaved protuberances being capable of folding a pleatable web into a generally pleated pattern of machine direction pleats upon contact of the web with the first and second series of protuberances (Figs. 11 and 19).

Regarding claim 2: the apparatus has a machine direction inlet to the first and second series of elongate spaced protuberances and the apparatus has a machine direction outlet from the first and second series of elongate spaced protuberances wherein the web maintains contact with the first series and the second series of interleaved protuberances from the inlet to the outlet (Figs. 10, 11, and 19).

Regarding claim 3: the converging elongate spaced protuberances are blades (roller 21).

Regarding claim 4: a converging tunnel disposed downstream in the machine direction of the first and second series of interleaved protuberances to receive the web and wherein the pleated web is constrained by the converging tunnel to maintain the pleated pattern when the web is within the converging tunnel (Fig. 19).

Regarding claim 5: the converging tunnel comprises an arcuate cavity for receiving the web (Fig. 19).

Regarding claim 6: a drive roll for pushing the pleatable web into the interleaved protuberances (Fig. 10; via feed roll 27).

Regarding claim 13: the first series of protuberances and the second series of protuberances are spaced apart in the cross machine direction (Figs. 11 and 19).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson (2,164,702).

Davidson does not disclose that the first and second spaced protuberances have a first coefficient of friction and the drive roll has a second coefficient of friction and wherein the second coefficient of friction is greater than the first coefficient of friction; a heater for heating the pleated web; nor a cooler for cooling the web. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Davidson's web pleating apparatus by having the first and second spaced protuberances have a first coefficient of friction and the drive roll has a second coefficient of friction and wherein the second coefficient of friction is greater than the first coefficient of friction; a heater for heating the pleated web; and a cooler for cooling the web, as a matter of engineering design choice, since the examiner takes an official notice that the mentioned first and second spaced protuberances have a first coefficient of friction and the drive roll has a second coefficient of friction and wherein the second coefficient of friction is greater than the first coefficient of friction; a heater for heating the pleated web; and a cooler for cooling the web are old, well known, and available in the art.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson (2,164,702) in view of Moller (3,383,449).

Davidson does not disclose that a scoring device wherein the scoring device comprises first and second axially rotatable rolls and maintaining a fixed gap therebetween. However, Moller discloses a similar web pleating apparatus comprising first and second axially rotatable rolls (8, 9, 10, and 11) and maintaining a fixed gap therebetween (Fig. 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Davidson's web pleating apparatus by having first and second axially rotatable rolls and maintaining a fixed gap therebetween, as suggested by Moller, in order to provide folding and gathering means designed to reduce continuously the width of the web to an endless string of given shape and size (column 2, lines 26-30).

Response to Arguments

Applicant's arguments filed 7/29/2003 have been fully considered but they are not persuasive.

Applicant argue in page 7 of the arguments that it is not clear to the applicant how the corrugating roller elements of Davidson can be considered elongate nor how the rollers can be considered to interleave in the Z-direction. The examiner believes and as set forth in the action that Davidson's reference broadly discloses elongate roller as claimed (Figs. 18, 1516 and 17) and in the Z-direction (Fig. 17). The examiner believes that applicant's claims are not that clear and broad enough to be rejected by Davidson's reference. The examiner believes that Davidson discloses first and second series of elongate spaced protuberances that converge in the machine direction and interleave in the Z-direction (Figs. 15 and 17).

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST.
August 20, 2003


EUGENE KIM
PRIMARY EXAMINER